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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

UNITED NATIONS COLLECTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Mauritius

1. At its 1173rd and 1174th meetings, held on 15 and 16 August 1996 (see CERD/C/SR.1173-1174, the Committee on the Elimination of Racial Discrimination considered the eighth to twelfth periodic reports on Mauritius (CERD/C/280/Add.2) and adopted, at its 1180th meeting, held on 21 August 1996, the following concluding observations.

A. Introduction

2. The Committee welcomes the eighth to twelfth periodic reports submitted by the Government of Mauritius and expresses its appreciation for the opportunity to resume the dialogue with the State party, after nine years of interruption. The Committee also welcomes the detailed information provided orally by the high-level delegation in answer to the wide range of questions asked by members of the Committee.

3. It noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested the State party to consider the possibility of making such a declaration.

B. Factors and difficulties impeding the implementation of the Convention

4. It is noted that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Mauritius.

C. Positive aspects

5. The exemplary spirit of tolerance between the various racial and ethnic communities in Mauritius and the harmonious coexistence of their cultures are commended as they create a sound basis for the full and effective implementation of the Convention.

6. The establishment of a Human Rights Unit within the Ministry of Justice, to monitor the reporting procedures and to provide the various human rights treaty bodies with regular reports, is welcomed.

7. The proposed establishment of an equal opportunity commission, to compel employers in the private sector to afford equal opportunities to people of different origins, is also welcomed.

8. The possibility for judges to refer in their pronouncements to the provisions of the Convention and of any other human rights instrument, in addition to or in the absence of an existing provision of domestic law, is noted with satisfaction.

9. The system of the best losers, which provides for the nomination by the Electoral Commission of up to four members to the National Assembly from among the best losers in an election, with a view to balancing the representation of the various racial and ethnic communities within the National Assembly, is viewed with interest.

10. With regard to article 2 of the Convention, the adoption in July 1991 of section 282 of the Criminal Code, which makes it an offence to publish or distribute any threatening, abusive or insulting writings, to use in public any threatening, abusive or insulting gestures or to broadcast threatening, abusive or insulting matter, with intent to stir up contempt or hatred against any part of the population distinguished by race, caste, place of birth, colour or creed, is noted with appreciation.

11. It is noted with appreciation that the full and equal enjoyment by everyone of the rights enumerated in article 5 of the Convention, and in particular the right to security of person, to marriage, to property, to freedom of thought, conscience and religion, to housing, to health and social security, to education and to participate in cultural activities, is guaranteed and ensured in Mauritius.

12. The amendment of the Citizenship Act in August 1995 is a welcome development, since it also lifted the obligation for foreign women, married to Mauritian citizens, to renounce their nationality if they want to become Mauritian citizens.

13. Concerning article 7 of the Convention, the various activities undertaken with non-governmental organizations, such as the programme "Teaching for Freedom" launched by Amnesty International, or with United Nations agencies, such as the programme introduced by UNICEF together with the Ministry of Education to sensitize children to the ideas of peace, tolerance and interdependence, are welcomed. Moreover, the elaboration in 1991 of the Master Plan on Education for the Year 2000, which provides for the teaching in schools of subjects to foster understanding, tolerance and friendship among nations and racial or ethnic groups, is noted with satisfaction.

D. Principal subjects of concern

14. The lack of statistical data on the ethnic and racial composition of the population, and on the representation of ethnic and racial communities at all levels of the economic, social and political spheres, is regretted. In this regard, the statement in paragraph 4 of the report that censuses in Mauritius do not indicate the breakdown of the population on an ethnic or racial basis, "in line with the Government policy to promote a Mauritian identity amongst its people" is accepted by the Committee as long as it is not aimed at forced assimilation of people with different origins.

15. Concern is expressed that section 16 of the Constitution, which prohibits laws that are discriminatory by their terms or in their effects, does not apply to laws with respect to marriage, adoption, divorce, succession or other matters regarding private law.

16. With regard to the implementation of article 4 of the Convention, it is noted with concern that the relevant provisions of Mauritian legislation do not prohibit organizations and organized propaganda activities which promote racial discrimination, as provided for in article 4 (b) of the Convention.

17. The lack of practical information on the implementation of the various constitutional and legal texts dealing with the prohibition of racial discrimination, on their possible violation and on measures taken in such cases, with particular reference to articles 4 and 6 of the Convention, is regretted.

E. Suggestions and recommendations

18. The Committee recommends that in its next periodic report the Government of Mauritius supply statistical data on the composition of the population and on the representation of all of the ethnic and racial communities in the political and economic sectors. The Committee would also welcome social and economic indicators on the Mauritian population.

19. The Committee underlines the importance of the explicit prohibition of discriminatory legislation. In this regard, the Committee recommends that the prohibition of such discriminatory legislation, found in section 16 of the Constitution, be extended to all matters of private law.

20. The Committee emphasizes that the provisions of article 4 of the Convention are mandatory. It thus recommends that legislative measures be taken to implement article 4 (b) of the Convention.

21. The Committee recommends that the next periodic report contain complete information on the implementation of the various provisions on the elimination of racial discrimination in practice and on possible complaints and sentences imposed for acts of racial or ethnic discrimination or in cases of incitement to racial discrimination.

22. The Committee suggests that the State party's report and the Committee's concluding observations be widely publicized in Mauritius.

23. The Committee recommends that the State party ratify at its earliest convenience the amendments to article 8, paragraph 6 of the Convention, adopted by the 14th meeting of States parties.

24. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised in the present observations.